

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN DELFORD JOHNSON,

Plaintiff,

v.

Civil No: 2:10-CV-13766
HONORABLE PAUL D. BORMAN
UNITED STATES DISTRICT COURT

GOVERNOR JENNIFER GRANHOLM, et. al.,

Defendants,

_____ /

OPINION AND ORDER DENYING THE MOTION FOR RECONSIDERATION

On October 7, 2010, this Court dismissed plaintiff's civil rights complaint brought pursuant to 42 U.S.C. § 1983 without prejudice. Plaintiff has now filed a motion for reconsideration. For the reasons stated below, the motion is **DENIED**.

U.S. Dist.Ct. Rules, E.D. Mich. 7.1 (h) allows a party to file a motion for reconsideration. In order for a court to grant a motion for reconsideration, the movant must show (1) a palpable defect; (2) that misled the court and the parties; and (3) that correcting the defect will result in a different disposition of the case. *Sigma Financial Corp. v. American Intern. Specialty Lines Ins. Co.*, 200 F. Supp. 2d 710, 715 (E.D. Mich. 2002). A 'palpable defect' is a defect which is considered "obvious, clear, unmistakable, manifest, or plain." *Id.* As a general rule, a court will not grant a motion for rehearing or reconsideration that merely presents the same issues ruled upon by the court, either expressly or by reasonable implication. *Id.*

Plaintiff's motion for reconsideration will be denied, because he is merely presenting issues which were already ruled upon by this Court, either expressly or by reasonable

implication, when the Court dismissed plaintiff's civil rights complaint. *See Hence v. Smith*, 49 F. Supp. 2d 549, 553 (E.D. Mich. 1999).

ORDER

IT IS ORDERED that Plaintiff's motion for reconsideration [Court Docket Entry # 8] is **DENIED.**

SO ORDERED.

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: January 4, 2011

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on January 4, 2011.

S/Denise Goodine
Case Manager